

REMARKS

This Application has been carefully reviewed in light of the final Office Action electronically sent January 2, 2008 (the "Office Action"). At the time of the Office Action, Claims 1, 3-9, 11 and 13-19 were pending in the Application. The Office Action rejects Claims 1, 3-9, 11 and 13-19. Applicants respectfully request reconsideration and favorable action in this case.

Section 102 and 103 Rejections

The Office Action rejects Claims 1, 3-5, 7-9, 11, 13-15 and 17-19 under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent No. 7,072,580 B2 issued to Arecco et al ("*Arecco*"). The Office Action rejects Claims 6 and 16 under 35 U.S.C. § 103(a) as being unpatentable over *Arecco* in view of U.S. Patent No. 5,612,805 issued to Fevrier et al. Applicants respectfully traverse these rejections.

Claim 1 recites wherein the second RIC node is inactive under normal system operation and not operable to communicate optical traffic between the first and second optical ring networks when the first RIC node is able to communicate optical traffic between the first and second optical ring networks. Claim 11 recites similar elements. Applicants previously demonstrated that the elements of *Arecco* that the Office Action contends are a second RIC node (nodes E and E' of *Arecco*) receive and drop signals between Network 1 and Network 2 of *Arecco* in a normal operative condition even when the elements of *Arecco* contended to be a first RIC node (nodes D and D') are receiving and dropping signals between Network 1 and Network 2. *See, e.g., Arecco*, col. 27, lines 3-52. *Arecco* does not disclose a second RIC node inactive under normal system operation and not operable to communicate optical traffic between the first and second optical ring networks when a first RIC node is able to communicate optical traffic between the first and second optical ring networks.

In response to Applicants' previous arguments, the Examiner disagrees and states:

Specifically, Figure 21 shows normal system operation, wherein nodes E and E' are not operable to communicate optical traffic between the rings (column 26, lines 37-67; column 27, lines 1-57). Although Arecco et al. disclose that

nodes E and E' pass signals from input ports to output ports in the normal system operation as shown in Figure 21, Arecco et al. specifically discloses that in the normal operation, traffic is communicated between the rings via nodes D and D', not via nodes E and E'.

Office Action, page 8. In response, as Applicants have previously pointed out, Applicants note that *Arecco* specifically discloses that in normal system operation nodes D and D' and nodes E and E' communicate traffic between the rings – "[u]nder normal operative conditions, signal S1 is inserted into the first ring network (Network 1) by node B, passes through node C and is received by node D, where it is split into a first and a second fraction (50% of power) which are sent towards nodes E and D'." *Arecco*, col. 26, lines 61-66. This is also clearly indicated at column 27, lines 4-50 of *Arecco*. There is no disclosure that under normal system operation a second RIC node (contended by the Office Action to be nodes E and E') is inactive and not operable to communicate optical traffic between the first and second optical ring networks when the first RIC node is able to communicate optical traffic between the first and second optical ring networks. There is no disclosure in *Arecco* that nodes E and E' are inactive under normal system operation. Therefore, Applicants respectfully submit that Claims 1 and 11 are patentable over the cited art used in the rejections and request that the rejections of these claims be withdrawn.

Claims 3-9 each depends from Claim 1, and Claims 13-19 each depends from Claim 11. Thus, for at least the reasons discussed above with respect to Claims 1 and 11, Applicants respectfully request that the rejections of Claims 3-9 and 13-19 be withdrawn.

CONCLUSION

Applicants have made an earnest attempt to place this case in condition for allowance. For at least the foregoing reasons, Applicants respectfully request full allowance of all the pending claims.

If the Examiner believes a telephone conference would advance prosecution of this case in any way, the Examiner is invited to contact Chad C. Walters, the Attorney for Applicants, at the Examiner's convenience at (214) 953-6511.

Although Applicants believe no fees are due, the Commissioner is hereby authorized to charge any fees or credit any overpayments to Deposit Account No. 02-0384 of Baker Botts L.L.P.

Respectfully submitted,

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